

ORDINANCE NO. 2002 -006

AN ORDINANCE OF THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA  
AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED  
BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING  
THE FUTURE LAND USE ATLAS (FLUA); ADOPTING  
SMALL SCALE AMENDMENT 02-SCA 71 COM 2 (MILITARY  
TRAIL/PURDY LANE); MODIFYING PAGE 71 OF THE  
FLUA BY CHANGING A PARCEL OF LAND TOTALING  
APPROXIMATELY .78 ACRES GENERALLY LOCATED 240'  
WEST OF THE NORTHWEST CORNER OF MILITARY TRAIL  
AND PURDY LANE, FROM MEDIUM RESIDENTIAL, 5  
UNITS PER ACRE (MR-5) TO COMMERCIAL HIGH (CH)  
WITH CROSS-HATCHING AND A CONDITION; PROVIDING  
FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR INCLUSION IN THE  
1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN  
EFFECTIVE DATE

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of  
County Commissioners adopted the 1989 Comprehensive Plan by Ordinance  
No. 89-17; and

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

**WHEREAS**, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

**WHEREAS**, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

**WHEREAS**, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted a public hearing on November 16, 2001, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on February 28, 2002, to review the recommendations of the Local Planning Agency and to consider adoption of the amendments; and

**WHEREAS**, the Palm Beach County Board of County Commissioners has determined that the amendment complies with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Part I. Amendments to the Future Land Use Atlas of the Land Use  
Element of the 1989 Comprehensive Plan

The following amendment to the Future Land Use Element's Future Land Use Atlas is hereby adopted and is attached to this Ordinance:

A. Future Land Use Atlas page 71 is amended as follows:

Application No.: 02-SCA 71 COM 2 (Military Trail/Purdy Lane)

**Amendment:** From Medium Residential, 5 units per acre (MR5) to Commercial High (CH) with cross-hatching;

**General Location:** 240' west of the Northwest corner of  
Military Trail and Purdy Lane;

**Size:** Approximately .78 acres;

B. Condition: This parcel is subject to the following condition:

1. There shall be no commercial square footage associated with the site.

## Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

### Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

1                   **Part IV. Inclusion in the 1989 Comprehensive Plan**

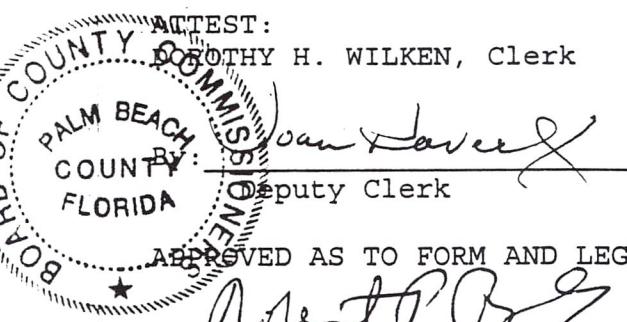
2                   The provisions of this Ordinance shall become and be made a part  
3                   of the 1989 Palm Beach County Comprehensive Plan. The Sections of  
4                   the Ordinance may be renumbered or relettered to accomplish such, and  
5                   the word "ordinance" may be changed to "section," "article," or any  
6                   other appropriate word.

7                   **Part V. Effective Date**

8                   This amendment shall not become effective until 31 days after  
9                   adoption. If challenged within 30 days after adoption, this  
10                  amendment shall not become effective until the state land planning  
11                  agency or the Administration Commission, respectively, issues a final  
12                  order determining the amendment is in compliance.

13                  **APPROVED AND ADOPTED** by the Board of County Commissioners of

14                  Palm Beach County, on the 28 day of February, 2002.



PALM BEACH COUNTY, FLORIDA,  
BY ITS BOARD OF COUNTY COMMISSIONERS

By W. Newell  
Warren H. Newell, Chairman

27                  Filed with the Department of State on the 8th day  
28                  of March, 2002.

## EXHIBIT 1

Amendment No.: 02-SCA 71 COM 2 (Military/Purdy)

FLUA Page No.: 71

**Amendment:** From Medium Residential, 5 units per acre (MR-5) to Commercial High (CH) with cross-hatching

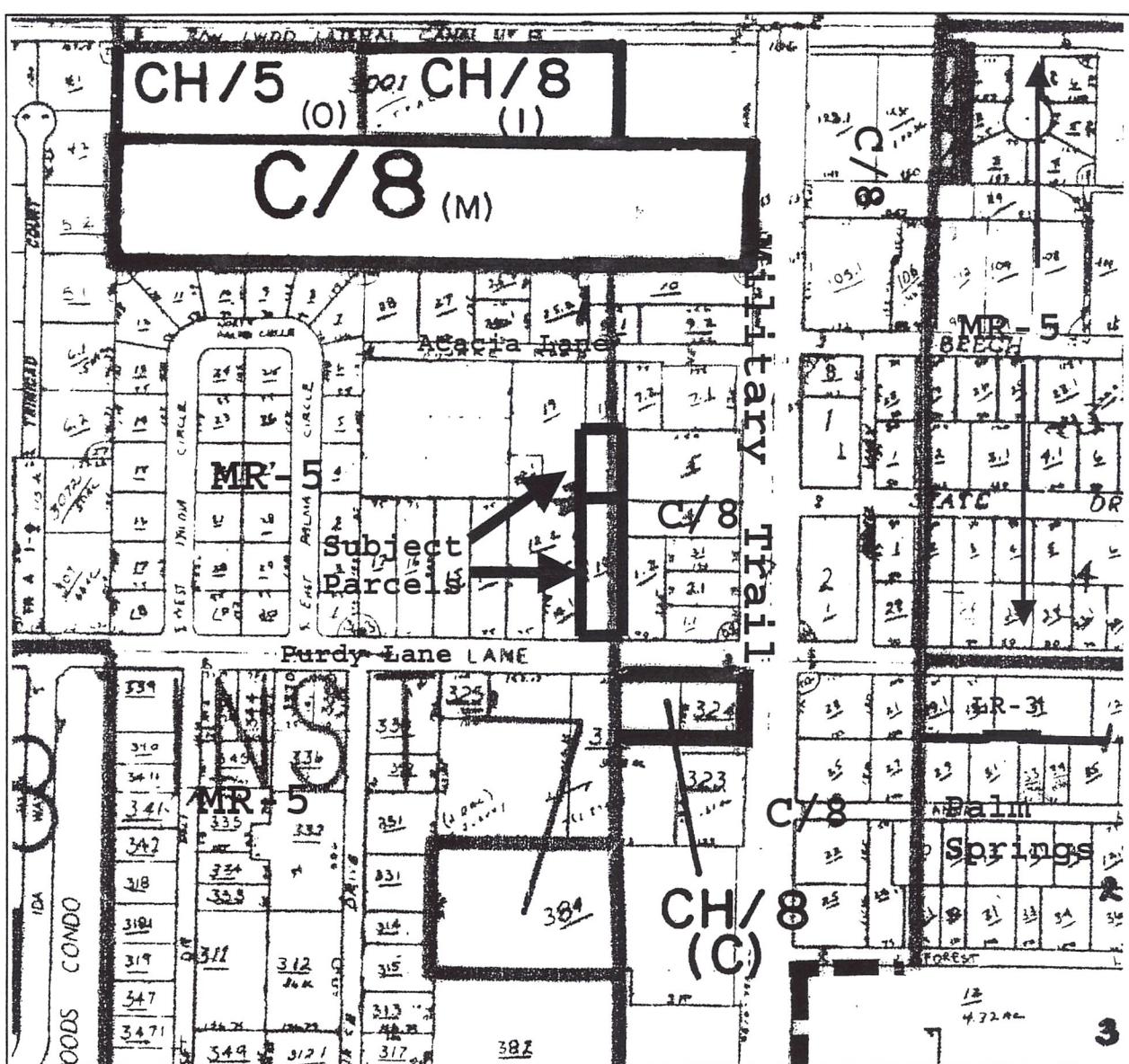
**Location:** Approximately, 240 feet west of the northwest corner of Military Trail and Purdy Lane

**Size:** Approximately .78 acres

**Property No.:** 00-42-44-13-03-002-0110; 0180

**Legal Description:** See attached

**Conditions:** There shall be no commercial square footage associated with this site.



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**Legal Description:**

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LOT 11, IN BLOCK 2, OF "BUSH & MOHNEY'S ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 49, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT 18, LOT 11, IN BLOCK 2, OF "BUSH & MOHNEY'S ADDITION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 21, PAGE 49, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on February 28, 2013.

DATED at West Palm Beach, FL on 4/16/13.

DOROTHY H. WILKEN, Clerk

By: Liane D. Wilken D.C.